



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/736,304	12/15/2000	Marc Herrmann	T2153-906758 ✓

Edward J. Kondracki  
Miles & Stockbridge, P.C.  
Suite 500  
1751 Pinnacle Drive  
McLean, VA 22102-3833

RECEIVED

FEB 20 2001

MILES & STOCKBRIDGE P.C.  
TYSON'S CORNER

CONFIRMATION NO. 8446

FORMALITIES LETTER



\*OC000000005760111\*

Date Mailed: 02/13/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

04/10/2001 FFANAEIA 00000064 09736304

## Filing Date Granted

01 FC:101 710.00 OP  
02 FC:103 234.00 OP  
03 FC:105 130.00 OP  
04 FC:139 130.00 OP

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

- The balance due by applicant is \$ 970.

DOCKETED

BY \_\_\_\_\_ ON \_\_\_\_\_

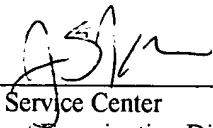
BY \_\_\_\_\_ ON \_\_\_\_\_

DUE DATE 4-13-01

CALL UP \_\_\_\_\_

A copy of this notice MUST be returned with the reply.

PREVIOUSLY DOCKETED

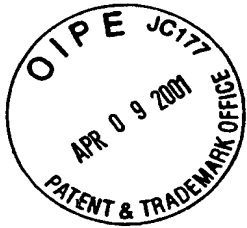


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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.: T2153-906758

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: :  
Marc HERRMANN et al. : Group Art Unit:  
Serial No.: 09/736,304 : Examiner:  
Filed: December 15, 2000 :  
For: SCALABLE MONITORING :  
METHOD AND DEVICE :  
McLean, Virginia  
April 9, 2001

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

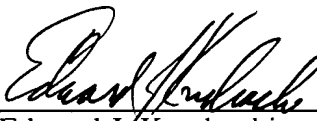
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application dated (February 13, 2001), submitted herewith are the requested documents and/or fees for filing in the above-referenced application.

The Commissioner is hereby authorized to charge any additional amount which may be required for the filing of this Response to Notice to File Missing Parts, or to credit any overpayment to Deposit Account No. 50-1165. A duplicate copy of this authorization is enclosed for deposit account charging purposes.

Respectfully submitted,  
MILES & STOCKBRIDGE P.C.

By:   
Edward J. Kondracki  
Registration No. 20,604

MILES & STOCKBRIDGE P.C.  
1751 Pinnacle Drive, Suite 500  
McLean, VA 22102-3833  
703-903-9000



Sector *R*

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application</b>	09/736,304
	<b>Filing Date</b>	December 15, 2000
	<b>First Named</b>	HERRMANN
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> T2153-906758

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>English Translation with Verification Proposed Drawing Correction Completion of Claim for Benefit of Filing Date of Prior Foreign Application</b>
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	<b>Remarks</b>	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

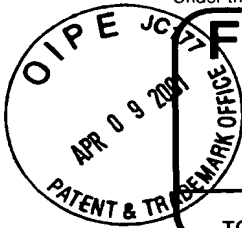
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Edward J. Kondracki Miles & Stockbridge P.C.
Signature	<i>Edward J. Kondracki</i>
Date	9/4/01

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>		
Typed or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/736,304
Filing Date	12/15/00
First Named Inventor	HERRMANN
Examiner Name	
Group Art Unit	
Attorney Docket No.	T2153-906758

TOTAL AMOUNT OF PAYMENT \$1,204.00

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																													
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: 50-1165</p> <p>Deposit Account Name: Miles &amp; Stockbridge P.C.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR § 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105 130</td> <td>205 65</td> <td>Surcharge - late filing fee or oath</td> <td>130.00</td> </tr> <tr> <td>127 50</td> <td>227 25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139 130</td> <td>139 130</td> <td>Non - English specification</td> <td>130.00</td> </tr> <tr> <td>147 2,520</td> <td>147 2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>112 920*</td> <td>112 920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113 1,840*</td> <td>113 1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115 110</td> <td>215 55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116 390</td> <td>216 195</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117 890</td> <td>217 445</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118 1,390</td> <td>218 695</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128 1,890</td> <td>228 945</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119 310</td> <td>219 155</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120 310</td> <td>220 155</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121 270</td> <td>221 135</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138 1,510</td> <td>138 1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140 110</td> <td>240 55</td> <td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Edward J. Kondracki	Registration No. (Attorney/Agent)	29,918
Signature	<i>Edward J. Kondracki</i>	Telephone	703-903-9000
		Date	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

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**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
**T2153-906758**

In Re Application Of: **HERRMANN et al.**

Serial No.  
**09/736,304**

Filing Date  
**12/15/00**

Examiner

Group Art Unit

Invention: **SCALABLE MONITORING METHOD AND DEVICE**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
**February 13, 2001**  
*Date*

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☒ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

**Completion of Claim for Benefit of Filing Date of Prior Foreign Application  
Information Disclosure Statement  
Preliminary Amendment**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
**T2153-906758**

In Re Application Of: **HERRMANN et al.**

Serial No.  
**09/736,304**

Filing Date  
**12/15/00**

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☒ Completion of application fees as calculated below:

☒ Utility application filing fee **\$710.00**

☐ Design application filing fee                     

☒ Total number of independent claims =     **2**                         

☒ Total number of claims =     **33**     **\$234.00**

☐ Multiple dependent claims                     

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

☐ Petition and fee for filing by other than all the inventors or a person not the inventor                     

☒ Fee for processing an application filed with a non-English language specification **\$130.00**

☐ Fee for processing and retention of application                     

Total completion of application fees **\$1,204.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from:                      *Date*                      until:                      *Date*

Total time extension fees                     

Total fees due **\$1,204.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.  
**T2153-906758**

In Re Application Of: **HERRMANN et al.**

Serial No.  
**09/736,304**

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The fee of **\$1,204.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-1165**  
A duplicate copy of this sheet is enclosed.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.  
A duplicate copy of this sheet is enclosed.

  
Signature

Dated: **April 9, 2001**

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC: